

Department of Legislative Services
 Maryland General Assembly
 2023 Session

FISCAL AND POLICY NOTE
 Enrolled - Revised

House Bill 410

(Delegate Rosenberg, *et al.*)

Ways and Means

Education, Energy, and the Environment

Elections - Polling Place Plan, Prohibited Acts, and 2024 Primary Election Date

This bill makes changes to State election law relating to (1) public input on changes in polling place locations; (2) the submission of a polling place plan by local boards of elections to the State Board of Elections (SBE); (3) expansion of an existing prohibition against willfully and knowingly influencing or attempting to influence a voter’s decision whether to vote through specified means; and (4) the date, in 2024, of the statewide primary election and the Baltimore City primary election for municipal offices. **The bill takes effect June 1, 2023.**

Fiscal Summary

State Effect: General fund expenditures increase by \$156,400 in FY 2024 and by varying amounts in future years. Revenues are not affected.

(in dollars)	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	156,400	109,400	152,500	119,300	164,500
Net Effect	(\$156,400)	(\$109,400)	(\$152,500)	(\$119,300)	(\$164,500)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Local government expenditures increase, collectively, by at least \$37,500 in FY 2024 and by similar, increasing minimum amounts in future years in which a primary election occurs, as discussed below. Revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: Minimal.

Analysis

Bill Summary:

Public Input on Changes to Polling Place Locations

The bill requires that each local board of elections maintain a contact list of individuals and organizations who wish to be notified about local board meetings at which proposed changes to the locations of polling places will be discussed and enable individuals and organizations to register for the contact list.

The bill prohibits a local board from voting to change the location of a polling place unless the local board first holds a meeting to discuss the proposed change and provides an opportunity for interested individuals and organizations to testify on the proposed change at the meeting. The local board must provide, at least 14 days before the meeting, written notice of the meeting to each individual and organization on the contact list, as well as the following elected officials if the official is elected by eligible voters residing in the precinct containing either the current polling place location or the proposed polling place location: (1) the mayor; (2) the county executive; (3) each county commissioner; (4) each county council member; (5) each municipal council member; and (6) each member of the Maryland General Assembly.

These provisions do not apply if a local board is creating a new precinct or changing a precinct boundary or polling place, due to an emergency, during the period beginning 21 days before Election Day through Election Day.

Polling Place Plan

The bill requires each local board of elections, at least six months before each statewide primary election, to submit a polling place plan to SBE for approval.

A polling place plan must include (1) evidence that the plan complies with § 10-101(a)(2) (governing polling place sites) of the Election Law Article and (2) an analysis of how to maximize voter participation in each precinct.

If the polling place plan proposes to reduce the total number of separate buildings used as polling places below the total number of separate buildings used as polling places in the 2018 general election, the plan must include:

- the address and a description of the location of each affected polling place;
- an analysis of available suitable buildings within the precinct boundary, including

the availability of parking and a determination regarding building compliance with the federal Americans with Disabilities Act;

- of the voters who cast ballots in each affected precinct in the three most recent statewide elections (1) the percentage who voted in person on Election Day; (2) the percentage who voted by mail; (3) the number who registered to vote on Election Day; and (4) the number who voted at an early voting center;
- the proximity of the proposed polling place to a dense concentration of voters in the affected precinct;
- the change in the number of registered voters in the affected precinct from the last statewide election;
- the public transportation options that voters in each affected precinct could use to access the polling place that would serve the precinct under the plan; and
- an analysis of the impact on the ability of historically disenfranchised communities to cast a ballot, including demographic information of the voters in the affected precinct from the most recent report published by the Maryland Vital Statistics Administration.

SBE must approve a polling place plan if the polling place plan (1) complies with the polling place plan requirements and § 10-101(a)(2) of the Election Law Article and (2) will not negatively affect access to voting for historically disenfranchised communities. SBE must reject a polling place plan that does not meet the requirements for approval. If SBE rejects a polling place plan, the local board must submit a revised polling place plan to SBE within 15 days after the date on which SBE rejected the previous plan.

“Historically disenfranchised communities” means racial, ethnic, or socioeconomic groups that have historically been subject to voter suppression efforts.

The bill makes an existing authorization – for a local board to create a new precinct or change a precinct boundary or polling place in an emergency – subject to these polling place plan provisions.

Influencing or Attempting to Influence a Voter’s Decision Whether to Vote

The bill adds to a provision that prohibits a person from willfully and knowingly influencing or attempting to influence a voter’s decision whether to go to the polls to cast a vote through the use of force, fraud, threat, menace, intimidation, bribery, reward, or offer of reward, so that the provision instead prohibits a person from willfully and knowingly influencing or attempting to influence – through any of those means – a voter’s decision whether to (1) go to the polls to cast a vote *or* (2) vote by other lawful means.

Date of the 2024 Primary Election

The bill alters the date, in 2024, of the statewide primary election and the primary election for municipal offices in Baltimore City so that they are held on the second Tuesday in May, instead of the fourth Tuesday in April.

Current Law:

Precinct Boundaries and Polling Places

As it deems it expedient for the convenience of voters, a local board of elections may (1) create and alter the boundaries for precincts in the county; (2) designate the location for polling places in any election district, ward, or precinct in the county; and (3) combine or abolish precincts.

When a local board of elections is establishing precinct boundaries and designating the location of polling places, the local board must contact and obtain input from large residential institutional communities including institutions of higher education, continuing care retirement communities, senior communities, and military installations.

Except in an emergency, a local board may not create or change a precinct boundary or polling place during the period beginning the Tuesday that is 13 weeks prior to a primary election, through the day of the general election. Subject to the approval of SBE, a local board may create a new precinct or change a precinct boundary or polling place, irrespective of other restrictions in statute, if the local board determines that an emergency exists.

Under § 10-101(a)(2) of the Election Law Article, each polling place must (1) provide an environment that is suitable to the proper conduct of an election; (2) be located as conveniently as practicable for the majority of registered voters assigned to that polling place; (3) be in a public building, if suitable space is available; (4) be in the precinct that it serves unless no suitable location for a polling place can be found within the precinct, in which case the polling place can be established in an adjacent precinct; and (5) whenever practicable, be selected and arranged to avoid architectural and other barriers that impede access or voting by elderly and physically disabled voters.

Changes in Administrative Policy Affecting Voting Rights

SBE or a local board of elections may not consider a change in an administrative policy affecting voting rights at a meeting unless the board has posted a prominent public notice on its website at least 48 hours in advance of the meeting stating that the board will consider an administrative policy affecting voting rights at the meeting. If a change is adopted, SBE

and, if applicable, the local board that adopts the change, must provide public notice of the change within 48 hours of its adoption. “Administrative policy affecting voting rights” means any action relating to voter registration, provisional voting, absentee voting, or the location of a polling place or early voting center.

Influencing or Attempting to Influence a Voter’s Decision Whether to Vote

A person may not willfully and knowingly influence or attempt to influence a voter’s decision whether to go to the polls to cast a vote through the use of force, fraud, threat, menace, intimidation, bribery, reward, or offer of reward.

A person who violates this prohibition is guilty of a misdemeanor and subject to a fine of up to \$5,000 and/or imprisonment for up to five years. A person who violates the prohibition without knowing the act is illegal is subject to a civil penalty of up to \$5,000.

Date of the Primary Election

In the year in which the President of the United States is elected, the statewide primary election and the primary election for municipal offices in Baltimore City must be held on the fourth Tuesday in April.

State Fiscal Effect: General fund expenditures increase by \$156,380 in fiscal 2024, which accounts for a 30-day start-up delay. This estimate reflects costs for (1) SBE to hire one full-time program administrator to contribute to SBE’s efforts to assist local boards in their development of polling place plans and SBE’s review and approval of the plans and (2) the State’s 50% share of mapping services procured by SBE to assist the local boards in their development of polling place plans. The estimate includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses. This estimate is based on the following information and assumptions:

- SBE provides assistance to local boards, under this bill, that is similar to the technical assistance and mapping services it currently provides to the local boards for the evaluation of early voting center and ballot drop box locations.
- Existing SBE staff cannot absorb the additional work of assisting local boards in their development of polling place plans and managing the State board’s review and approval of the plans without additional staff.

Position	1.0
Salary and Fringe Benefits	\$111,206
Mapping Services	37,500
Operating Expenses	<u>7,674</u>
Total FY 2024 State Expenditures	\$156,380

Future year expenditures reflect (1) a full salary with annual increases and employee turnover; (2) annual increases in ongoing operating expenses; and (3) mapping services only in fiscal years that include a primary election.

Local Fiscal Effect: Local government expenditures increase, collectively, by at least \$37,500 in fiscal 2024 and similar, increasing (accounting for inflation) minimum amounts in future fiscal years in which a primary election occurs to comply with the bill's polling place plan requirements.

As indicated above under State Fiscal Effect, local boards share 50% of the costs of mapping services with the State, in accordance with current cost-sharing (\$37,500 in fiscal 2024 and similar, increasing amounts in future years in which a primary election occurs).

Certain local boards may also incur increased personnel and mileage costs and/or costs to hire a consultant in order to meet the polling place plan requirements. Any additional personnel/overtime or consulting services supplement efforts of existing local board staff and technical assistance and mapping services provided by SBE. The extent of these potential additional costs cannot be reliably determined at this time.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Baltimore City; Allegany, Anne Arundel, Baltimore, Calvert, Caroline, Carroll, Cecil, Charles, Harford, Howard, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Washington, and Wicomico counties; Judiciary (Administrative Office of the Courts); Office of the Public Defender; State Prosecutor's Office; Department of Public Safety and Correctional Services; Maryland State Board of Elections; Maryland Association of Election Officials; Department of Legislative Services

Fiscal Note History:
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